

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JOSHUA OLDS,

Plaintiff(s),

v.

CHAE L SONNEN, et al.,

Defendant(s).

Case No. 2:23-CV-212 JCM (BNW)

ORDER

Presently before the court is the defendant Four Seasons Hotels Limited's motion to dismiss plaintiff Joshua Olds's complaint. (ECF No. 5). Plaintiff has not filed a response, and the time to do so has now passed.

According to plaintiff, one night while working as an employee in one of defendant's hotels, he was "punched in the jaw," by co-defendant Chael Sonnen, a mixed martial artist. (ECF No. 1-1). Plaintiff now sues Sonnen for assault and battery, and Four Seasons for negligence under a premises liability theory and negligent hiring and training.

Pursuant to District of Nevada Local Rule 7-2(d), "the failure of an opposing party to file points and authorities in response to any motion ... constitutes a consent to the granting of the motion." LR 7-2(d); *see Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) ("Failure to follow a district court's local rules is a proper ground for dismissal.").

However, the court will not automatically grant every unopposed motion. First, the court must weigh the following factors: "(1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases of their merits; and (5) the availability of less drastic sanctions." *Ghazali*, 46 F.3d at 53.


1 Having considered Four Seasons's motion and plaintiff's amended complaint in light of
2 the *Ghazali* factors, the court grants the motion. The first three factors—the public's interest in
3 expeditiously resolving this litigation, the court's interest in managing the docket, and the risk of
4 prejudice to defendants—all weigh in favor of dismissal. *See id.*; *Anderson v. Air West*, 542 F.2d
5 522, 524 (9th Cir. 1976) (holding that a presumption of injury arises from the occurrence of
6 unreasonable delay). Therefore, dismissal is appropriate

7 Accordingly,

8 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendant's motion to
9 dismiss (ECF No. 5) be, and the same hereby is, GRANTED

10 IT IS FURTHER ORDERED that the claims against Four Seasons Hotels Limited be,
11 and the same hereby are, DISMISSED.

12 DATED February 28, 2023.

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14 UNITED STATES DISTRICT JUDGE